

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

DAVID THAMES, et al.,

Plaintiffs,

VS.

KFC Corporation,

Defendant.

Case No.: 07-cv-6836

## Affidavit of Michele R. Fisher

1. My name is Michele Fisher and I am one of the attorneys representing the Plaintiffs in the above-captioned matter.

2. Magistrate Judge Timothy S. Hogan, U.S. District Court, Southern District of Ohio – Western Division, Judge Rebecca R. Pallmeyer, U.S. District of Illinois, and Judge David G. Campbell, U.S. Judge for the District of Arizona, have all denied Defendant’s Motion to Stay after hearing oral argument on the issue. We are still awaiting the order for Arizona. On August 29, 2007, Magistrate Judge Jeanne J. Graham, U.S. District of Minnesota, who is handling the Parler and Ackerman cases issued a scheduling order in the Ackerman case after meeting with the parties even though Defendant’s motion for a stay was pending. A couple of courts have granted Defendant’s motion for stay, but without hearing any response from Plaintiffs as to why a stay is inappropriate.

3. Attached hereto are true and correct copies of the following:

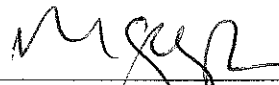
Exhibit A      Order issued by the Magistrate Judge Timothy S. Hogan, U.S. District Court, Southern District of Ohio – Western Division, denying Defendant’s Motion to Stay;

Exhibit B Scheduling Order issued by Magistrate Judge Jeanne J. Graham, U.S. District of Minnesota, despite Defendant's pending motion to stay; and

Exhibit C Minute Entry by Judge Rebecca Pallmeyer, U.S. District of Northern District of Illinois, denying Defendant's Motion to Stay.

FURTHER AFFIANT SAYETH NOT.

Dated: 8.30.07

  
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Michele R. Fisher

Subscribed and sworn to before  
me this 30th day of August 2007.

  
\_\_\_\_\_  
Notary Public

